

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

ARTHUR L. HAIRSTON, SR.,

Petitioner,

v.

CIVIL ACTION NO. 3:06CV123  
CRIMINAL ACTION NO. 3:00CR24

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert (Doc. No. 6), dated November 7, 2006, and petitioner's corresponding objections (Doc. No. 7), filed November 27, 2006. Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of the above. As a result, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (**Doc. No. 6**) should be, and is hereby, **ORDERED** adopted. Accordingly, for the reasons stated more fully in the Report and Recommendation of the Magistrate Judge, **petitioner's § 2255 motion (Doc. No. 1)** is **DENIED and DISMISSED WITH PREJUDICE as an unauthorized successive petition**. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

**DATED** this 21<sup>st</sup> day of December, 2006.

HAIRSTON V. USA

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ORDER ADOPTING REPORT AND RECOMMENDATION

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/s/ Irene M. Keeley

IRENE M. KEELEY